

1 Stacy L Fode, Esq. (SBN 199883)
2 fode@brownlawgroup.com
3 Travis K. Jang-Busby, Esq. (SBN 283256)
4 busbv@brownlawgroup.com
5 BROWN LAW GROUP
6 600 B Street, Suite 1650
7 San Diego, CA 92101
8 Telephone: (619) 330-1700
9 Facsimile: (619) 330-1701

10 Attorneys for Defendants AXA
11 Equitable Life Insurance Company and
12 MONY Life Insurance Company of America

13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA – WESTERN DIVISION

BONNIE OSBAKKEN) Case No.
Plaintiff,)
v.) **NOTICE OF REMOVAL BASED
ON DIVERSITY**
AXA EQUITABLE LIFE)
INSURANCE COMPANY, a New)
York corporation; MONY LIFE)
INSURANCE COMPANY OF)
AMERICA, an Arizona corporation;
and DOES 1 through 50, Inclusive,)
Defendants.)

Defendants AXA Equitable Life Insurance Company (“AXA”) and MONY Life Insurance Company of America (“MONY”) (collectively, “Defendants”) through their undersigned counsel, pursuant to 28 U.S.C. §§ 1441 and 1446, respectfully remove to this Court the action commenced by Plaintiff Bonnie Osbakken (“Osbakken”) on March 28, 2016 in the Superior Court of the State of California, County of Ventura, entitled *Bonnie Osbakken v. AXA EQUITABLE LIFE INSURANCE COMPANY and MONY LIFE INSURANCE COMPANY OF AMERICA*, Case No. 56-2016-00479812-CU-BC-VTA (the “State Court Action”).

1 1. Defendants were served with a summons from State Court and a copy
2 of the complaint in the State Court Action by personal service through Corporation
3 Service Company located in California on April 4, 2016. This removal is therefore
4 timely. *See* 28 U.S.C. § 1446(b). True and correct copies of the summons and
5 complaint, which are the only documents to be served upon Defendants thus far in
6 the State Court Action, are attached as Exhibit “A” and “B”, respectively.

JURISDICTION

8 2. The State Court Action is a civil action of which this Court has
9 original jurisdiction under 28 U.S.C. § 1332(a), and is an action which may be
10 removed to this Court by Defendants pursuant to 28 U.S.C. § 1441(b), in that it is a
11 civil action between citizens of different states and the matter in controversy
12 exceeds \$75,000, exclusive of interest and costs, as set forth more fully below.

CITIZENSHIP OF PARTIES

14 3. Osbakken is, and at the time of the filing of the State Court Action
15 was, a citizen of Ventura County, California. *See Complaint, ¶ 1.*

16 4. AXA is, and at the time of the filing of the State Court Action was, a
17 life insurance company organized and existing under the laws of the State of New
18 York with its principal place of business in New York.

19 5. MONY is, and at the time of the filing of the State Court Action was,
20 a life insurance company organized and existing under the laws of the State of
21 Arizona with its principal place of business in New Jersey.

AMOUNT IN CONTROVERSY

23 6. The Complaint alleges that Plaintiff is entitled to all or a portion of the
24 proceeds of two life insurance policies (the “Death Benefits”) issued by AXA and
25 MONY, respectively, in the amount of \$1,750,000.00 that became payable as a
26 result of the death of Robert S. Osbakken (the “Insured”). *See Complaint, ¶¶ 2, 9-*
27 *66.*

28 | //

1 **THIS COURT'S REMOVAL JURISDICTION**

2 7. Title 28 U.S.C. § 1441(a) and (b) and Title 28 U.S.C. § 1332 provide
3 the basis for removal jurisdiction to this Court. Plaintiff claims the right to receive
4 life insurance death benefits that she alleges is in excess of \$75,000. Plaintiff and
5 Defendants are citizens of different states as defined in 28 U.S.C. § 1332.

6 8. The timing requirements of 28 U.S.C. § 1446(b) have been satisfied in
7 that this Notice of Removal has been filed with this Court within thirty (30) days
8 after service of the Complaint upon Defendants. The time for filing this Notice of
9 Removal has not expired under 28 U.S.C. § 1446(b).

10 9. The United States District Court for the Central District of California,
11 Western Division is the appropriate court to which this action should be removed
12 because this district is the district embracing actions filed in Ventura County,
13 California.

14 10. A true and correct copy of this Notice of Removal is being served
15 upon Plaintiff as required by law under 28 U.S.C. § 1446(d).

16 11. A true and correct copy of this Notice of Removal is also being filed
17 promptly with the Clerk of the Circuit Court in and for Ventura County, California,
18 in accordance with 28 U.S.C. § 1446(d).

19 12. A true and correct copy of the "Notice To State Court And Adverse
20 Party Of Removal" is attached hereto as Exhibit "C".

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

WHEREFORE, Defendants hereby remove this action, currently pending in the Superior Court of the State of California, Ventura County.

BROWN LAW GROUP

Dated: May 2, 2016

By: /s/ *Travis K. Jang-Busby*

Stacy L. Fode, Esq.

Travis K. Jang-Busby, Esq.

Attorneys for Defendants AXA

Equitable Life Insurance Company and

MONY Life Insurance Company of

America